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10/686,361	10/15/2003	Mehul Y. Shah	MSI-1682US	6719
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER GOODCHILD, WILLIAM J	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/686,361

**Applicant(s)**

SHAH ET AL.

**Examiner**

William J. Goodchild

**Art Unit**

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 7-11, 14-15, 26, 32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Astle et al., (US Publication No. 2001/0046372), (hereinafter Astle).

In reference to claims 1, 26 and 32, Astle teaches a method / system comprising: receiving information from a user about a broadcast multimedia content stream generated by a device in a computer network [paragraph 29], wherein the received information includes a specified time associated with the multimedia content stream [paragraph 6], wherein the device is a content server connected to the computer network [paragraph 23 and figure 1]; scheduling a recording of the multimedia content stream at the specified time [paragraph 25]; and at the specified time, receiving the multimedia content stream from the device [paragraphs 24, 30]; and saving the multimedia content stream in a system memory [paragraphs 24 and 26].

In reference to claim 3, Astle teaches the method / system of claim 1 wherein: the information about the multimedia content stream includes a network address associated with a location [abstract, lines 7-8 and 14-16].

In reference to claim 7, Astle teaches the method / system of claim 1 wherein: receiving information about the multimedia content stream includes receiving a scheduled recording task [paragraphs 23-24].

In reference to claim 8, Astle teaches the method / system of claim 7 wherein: the scheduled recording task includes at least one of a unique task identifier, a user account identifier, a title, a start time, a start date, an end time, an end date, a recording duration, a URL, a local storage location, a recording quality identifier, and connection settings [paragraphs 23-24].

In reference to claim 9, Astle teaches the method / system of claim 1 further comprising: at the specified time, automatically connecting to the device [paragraph 24].

In reference to claim 10, Astle teaches the method / system of claim 9 wherein: automatically connecting to the device is performed in accordance with connection settings included in the information about the multimedia content stream [paragraph 24].

In reference to claim 11, Astle teaches the method / system of claim 1 wherein: receiving the multimedia content stream includes specifying a quality of the stream [paragraph 25].

In reference to claim 14, Astle teaches the method / system of claim 1 wherein: the computer network includes at least one of a local area network (LAN), a wide area network (WAN), and the Internet [paragraph 16].

In reference to claim 15, Astle teaches the computer-readable memories containing a computer program that is executable by a processor to perform the computer-implemented method recited in Claim 1 [paragraphs 16 and 50].

In reference to claim 34, Astle teaches the method / system of claim 32 wherein: the computer program further causes the one or more processors to obtain the information from a content index [paragraphs 23-24].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372), (hereinafter Astle) as applied to claims 1, 26 and 32 above, and further in view of Hunter et al., (US Publication No. 2002/0056118), (hereinafter Hunter).

Regarding claims 2, 28 and 33, Astle does not specifically disclose encrypting the multimedia content stream using a digital rights management (DRM) system. However, Hunter discloses the security measures available for the recorded content may include [Hunter, paragraph 193, lines 8-9], digital rights management [Hunter, paragraph 194]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include DRM security measures in order to provide access control and copy protection for the content.

5. Claims 4, 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372), (hereinafter Astle) as applied to claims 1, 3 and 26 above, and further in view of Burnes et al, (US Publication No. 2001/0014103), (hereinafter Burnes).

Regarding claim 4, Astle does not specifically disclose the network address is a uniform resource locator (URL). However, Burnes discloses using a URL as a web address [Burnes, paragraph 44]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a URL as a web address in order to provide a human readable address to the user.

Regarding claim 13, Astle teaches a multimedia broadcast content stream [Astle, paragraph 23]. Astle does not specifically disclose the multimedia content stream is an on-demand content stream. However, Burnes discloses the content in the form of a

Web page or other hypermedia document that has hyperlinks to various data items, such as audio and / or video clips [Burnes, paragraph 48, lines 8-11]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include on-demand content in order to provide additional options to the user.

Regarding claim 27, Astle-Burnes further disclose the means for receiving the information from one or more application programs [Burnes paragraph 32, lines 5-11].

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372), (hereinafter Astle) as applied to claim 1 above, and further in view of Gile et al., (US Publication No. 2002/0035610), (hereinafter Gile).

Regarding claim 5, Astle does not specifically disclose the information about the multimedia content stream is received through an application program interface. However, Gile discloses API's used for playing multimedia content [Gile, paragraph 26, lines 18-23 and appendix A]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include API's for multimedia content to provide requests for services made by computer programs in order to provide multimedia content to the user.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372) and Gile et al., (US Publication No.

2002/0035610), (hereinafter Gile) as applied to claim 5 above, and further in view of Walsh et al., (US Publication No. 2006/0031557), (hereinafter Walsh).

Regarding claim 6, Astle-Gile does not specifically disclose the application program interface includes a distributed component object model (DCOM) interface. However, Walsh discloses the use of using an inter-process communication of DCOM [Walsh, paragraph 34, lines 23-28]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the use of an inter-process communication such as DCOM in order to allow for software components distributed across several networked computers to communicate with each other.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372) as applied to claim 1 above, and further in view of Pirhonen et al., (US Publication No. 2004/0028062), (hereinafter Pirhonen).

Regarding claim 12, Astle does not specifically disclose receiving the multimedia content stream includes specifying a quality of the stream in relation to a bandwidth associated with a network connection. However, Pirhonen discloses the bandwidth and thereby the quality of service is allocated and managed [Pirhonen, paragraph 26, lines 4-8]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the use of determining a bandwidth / quality of service in



order to provide the user with the option of a lower quality service or a higher quality of service based on the bandwidth and the amount of time the user has available.

9. Claims 16-19, 22-25 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372), and further in view of Pirhonen et al., (US Publication No. 2004/0028062), (hereinafter Pirhonen).

Regarding claims 16 and 29, Astle teaches enabling a user to schedule a recording of a broadcast multimedia content stream at a specified time [Astle, paragraph 29]; creating a scheduled recording task that includes information about the recording of the multimedia content stream [Astle, paragraphs 23-24]; sending the scheduled recording task to a recording service configured to perform the scheduled recording task [Astle, paragraph 25]; and tracking the scheduled recording task, whereby the tracked scheduled recording task facilitates an output to the user [Astle, paragraph 23, lines 6-9 and paragraph 45]. Astle does not specifically disclose the information about the recording includes specifying a quality of the stream in relation to a bandwidth associated with a network connection. However, Pirhonen discloses the bandwidth and thereby the quality of service is allocated and managed [Pirhonen, paragraph 26, lines 4-8]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the use of determining a bandwidth / quality of service in order to provide the user with the option of a lower quality service or a higher quality of service based on the bandwidth and the amount of time the user has available.

Regarding claims 17 and 30, Astle further discloses enabling the user to schedule the recording includes providing a user interface that enables the user to input the information about the recording [Astle, paragraph 23].

Regarding claim 18, Astle further discloses the information about the recording includes at least one of a title, a start time, a start date, an end time, an end date, a recording duration, a URL, a location in system memory, a recording quality identifier, recurring data, and connection settings [Astle, paragraphs 23-24].

Regarding claims 19 and 31, Astle further discloses enabling the user to schedule the recording includes enabling the user to create recurring recordings [Astle, paragraph 26].

Regarding claim 22, Astle further discloses tracking the scheduled recording task includes obtaining a status of the scheduled recording task from the recording service [Astle, paragraphs 23-24].

Regarding claim 23, Astle further discloses tracking the scheduled recording task includes providing the status to the user [Astle, paragraphs 23-24].

Regarding claim 24, Astle further discloses if the multimedia content stream is successfully recorded, enabling the user to access the recorded multimedia content stream [Astle, paragraphs 23 and 50].

Regarding claim 25, Astle further discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform the computer-implemented method recited in Claim 16 [Astle, paragraphs 16 and 50].

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372), (hereinafter Astle) and Pirhonen et al., (US Publication No. 2004/0028062), (hereinafter Pirhonen) as applied to claim 16 above, and further in view of Gile et al., (US Publication No. 2002/0035610), (hereinafter Gile).

Regarding claim 20, Astle-Pirhonen does not specifically disclose the information about the multimedia content stream is received through an application program interface. However, Gile discloses API's used for playing multimedia content [Gile, paragraph 26, lines 18-23 and appendix A]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include API's for multimedia content to provide requests for services made by computer programs in order to provide multimedia content to the user.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372), Pirhonen et al., (US Publication No. 2004/0028062), (hereinafter Pirhonen) and Gile et al., (US Publication No. 2002/0035610), (hereinafter Gile) as applied to claim 20 above, and further in view of Walsh et al., (US Publication No. 2006/0031557), (hereinafter Walsh).

Regarding claim 21, Astle-Pirhonen-Gile does not specifically disclose the application program interface includes a distributed component object model (DCOM) interface. However, Walsh discloses the use of using an inter-process communication of DCOM [Walsh, paragraph 34, lines 23-28]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the use of an inter-process communication such as DCOM in order to allow for software components distributed across several networked computers to communicate with each other.

12. Claims 35 and 37-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372), and further in view of Hunter et al., (US Publication No. 2002/0056118), (hereinafter Hunter).

Regarding claim 35, Astle discloses a network interface configured to connect to a computer network [Astle, paragraph 23]; and a memory that includes a scheduled recording service configured to receive a scheduled recording task that includes information about a multimedia content stream provided by a device in the computer

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network, schedule a recording of the multimedia content stream at a specified time, receiving the multimedia content stream from the device, and save the multimedia content stream in the memory [Astle, paragraphs 23-26, 29 and figure 1]. Astle does not specifically disclose including encrypting the multimedia content stream using a digital rights management (DRM) system. However, Hunter discloses the security measures available for the recorded content may include [Hunter, paragraph 193, lines 8-9], digital rights management [Hunter, paragraph 194]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include DRM security measures in order to provide access control and copy protection for the content.

Regarding claim 37, Astle further discloses the scheduled recording service is further configured to operate independent of a user account [Astle, paragraphs 24-26].

Regarding claim 38, Astle further discloses the scheduled recording service is further configured to automatically establish a network connection with the device through the network interface for receiving the multimedia content stream [Astle, paragraph 24].

Regarding claim 39, Astle further discloses the scheduled recording service is further configured to specify a quality associated with the multimedia content stream [Astle, paragraph 25].

Regarding claim 40, Astle further discloses the scheduled recording service is further configured to maintain a configuration file that includes information about the scheduled recording task [Astle, paragraph 26].

Regarding claim 41, Astle further discloses the scheduled recording service is further configured to maintain a log file that includes a status associated with the scheduled recording task [Astle, paragraph 26].

Regarding claim 42, Astle further discloses the memory further includes a scheduling application configured to enable a user to schedule a recording of the multimedia content stream at the specified time, create the scheduled recording task that includes the information about the recording, send the scheduled recording task to the scheduled recording service; and track the scheduled recording task [Astle, paragraphs 23-26, 29 and figure 1].

Regarding claim 43, Astle further discloses the scheduling application is further configured to provide a user interface to the user for scheduling the recording [Astle, paragraph 23].

Regarding claim 44, Astle further discloses the scheduling application is further configured to provide a user interface to the user for tracking the recording [Astle, paragraph 23].

Regarding claim 45, Astle further discloses the scheduling application is further configured to enable the user to schedule recurring recordings [Astle, paragraph 26].

13. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Astle et al., (US Publication No. 2001/0046372) and Hunter et al., (US Publication No. 2002/0056118), (hereinafter Hunter) as applied to claim 35 above, and further in view of Gile et al., (US Publication No. 2002/0035610), (hereinafter Gile).

Regarding claim 36, Astle-Hunter does not specifically disclose the scheduled recording service is further configured to provide an application program interface for interacting with application programs. However, Gile discloses API's used for playing multimedia content [Gile, paragraph 26, lines 18-23 and appendix A]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include API's for multimedia content to provide requests for services made by computer programs in order to provide multimedia content to the user.

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Goodchild whose telephone number is (571) 270-1589. The examiner can normally be reached on Monday - Friday / 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WGJ  
11/02/2007

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Supervisory Patent Examiner,  
Art Unit 2145